

BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE
Minutes of the June 15, 2006 Meeting
San Francisco

Justice Carlos R. Moreno, chair, called the meeting to order at 8:45 a.m. on Thursday, June 15, 2006, at the Administrative Office of the Courts (AOC) in San Francisco.

Commission Members Present: Hon. Carlos R. Moreno (chair), Hon. Michael D. Antonovich, Ms. Mary L. Ault, Hon. Richard C. Blake, Mr. Lawrence B. Bolton, Mr. Curtis L. Child, Ms. Miryam J. Choca, Mr. Joseph W. Cotchett, Mr. Michael S. Cunningham, Hon. Kathryn Doi Todd, Dr. Jill Duerr Berrick, Hon. Leonard P. Edwards (Ret.), Mr. Raul A. Escatel, Ms. Deborah Escobedo, Hon. Terry B. Friedman, Hon. Richard D. Huffman, Hon. Susan D. Huguenor, Mr. Will Lightbourne, Ms. Donna C. Myrow, Hon. Michael Nash, Mr. David Neilsen, Ms. Diane Nunn, Mr. Ken Patterson, Mr. Derek Peake, Ms. Linda Penner, Mr. Anthony Pico, Ms. Pat Reynolds-Harris, Ms. Jennifer Rodriguez, Mr. Gary C. Seiser, Mr. Alan Slater, Mr. Joseph L. Spaeth, and Hon. Dean T. Stout.

Commission Members Not Present: Hon. Karen Bass, Hon. John Burton, Ms. Terri Kook, Ms. Miriam Aroni Krinsky, Ms. Maria D. Robles, Dr. David Sanders, Hon. Todd Spitzer, and Hon. Darrell S. Steinberg.

Commission and Administrative Office of the Courts Staff: Mr. Christopher Wu (lead), Ms. Amy Ackerman, Ms. Jaden Alexander, Ms. Mara Bernstein, Ms. Allison Bort, Ms. Carolyn Castaneda, Ms. Charlene Depner, Mr. David Fischer, Ms. Emily Hobbins, Ms. Kathleen Kane, Ms. Sara Kashing, Ms. Iona Mara-Drita, Mr. Lee Morhar, Ms. Sonya Tafoya, Mr. Bill Vickrey, Ms. Renee Wessels, and Mr. Don Will.

Others Present: Ms. Lauren Barton, Ms. Margie Borjon-Miller, Mr. Tom Burke, Ms. Susan Diedrich, Ms. Carol Emig, Mr. Rob Geen, Ms. Lori Glasgow, Ms. Jessica Gunderson, Ms. Ellie Jones, Ms. Amy Lemley, Mr. Brian O'Reilly, Mr. Marcelino Panroja, Dr. Barbara Needell, Ms. Anahita Savarnejad, Mr. Paul Seeman, Ms. Joan Smith, Ms. Linne Stout, and Ms. Angela Valdez.

Item 1 Welcome and Introduction of New Staff *(see copy of attached remarks)*

Justice Moreno and Mr. Wu welcomed commission members to the second commission meeting. Two commissioners who were not at the March meeting, Hon. Richard Blake, chief judge of the Hoopa Valley Tribal Court, and Hon. Michael Antonovich, Board of Supervisors in Los Angeles, Fifth District, were present and were introduced. New staff to the commission were introduced, including Judge Leonard Edwards (Ret.) in his new role as Judge in Residence for the Administrative Office of the Courts.

Justice Moreno outlined the commission's agenda, which included a presentation on federal funding streams for foster care, and a report on recent legislation and commission activities. He noted that the subcommittees were scheduled to meet and come back with reports, prior to final

announcements and updates. The second day of the meeting was scheduled as a closed educational session focusing on the work of the commission. Minutes from the March meeting were approved.

Item 2 Major Funding Streams for Foster Care

Commissioners heard two presentations on federal funding streams for foster care. The first was given by Mr. Rob Geen of the Urban Institute. The Urban Institute is a nonpartisan, nonprofit research organization in Washington, D.C., focusing on social policy. It has completed five national surveys on child welfare financing, analyzing the different ways in which states utilize federal support for foster care and child welfare costs.

Mr. Geen provided an overview of the federal funds specifically allocated to support child welfare activities. He also discussed “nondedicated child welfare spending”—funds used for a variety of purposes, including child welfare. Mr. Geen described the states’ use of federal, state and local funds for child welfare activities, and trends in spending. He analyzed national trends in spending, as well as reliance on different federal funding streams. Mr. Geen compared California’s child welfare financing with that of other states. He spoke about some of the perceived problems with the existing federal child welfare financing structure and talked about recent developments in federal welfare financing.

The second presentation was given by Ms. Carol Emig, executive director of the Pew Commission on Children in Foster Care, a private nonprofit, nonpartisan commission established by the Pew Charitable Trusts that brought together a number of key stakeholders in the child welfare arena. The Pew Commission included child welfare experts, administrators of child welfare agencies, judges, social workers, a state legislator, a child psychologist, foster and adoptive parents, a former foster youth, and others. (For further information about the Pew Commission, please refer to the commission’s Web site <http://pewfostercare.org/research/docs/FinalExecSum.pdf>).

Ms. Emig highlighted the Pew Commission’s commitment to reaching consensus on a set of recommendations that would improve outcomes for children in foster care. The Pew Commission’s charge was to develop recommendations to improve outcomes for children in the foster care system—particularly to expedite the movement of children from foster care into safe, permanent, nurturing families, and to prevent unnecessary placements in foster care. Its recommendations focus on reforming federal child welfare financing and strengthening court oversight of children in foster care.

Ms. Emig indicated that the California Blue Ribbon Commission on Children in Foster Care could play a critical role in creating an environment for a discussion of child welfare financing and in helping propose federal reforms that would improve outcomes for kids.

California Foster Care Budget Update

Commissioner Ault provided a brief overview of California's recently acquired waiver for Title IV-E federal financing. Under the waiver, up to twenty California counties will be freed from most of the restrictions on federal foster care dollars and will be able to invest some of those funds in prevention and other services rather than out-of-home care. In exchange for this greater flexibility, the federal government is imposing significant data and reporting requirements. The waiver program is a five-year demonstration project and its funding is capped at a 2 percent growth factor. Commissioner Ault introduced Ms. Joan Smith who is a deputy director of Los Angeles County child welfare and who has been directly involved in the Title IV-E waiver planning. Ms. Smith gave a presentation about the vision for her county.

From 2002 to spring 2006, Los Angeles County decreased the number of youth in care by one third, reduced the length of stay in care by one half, and greatly decreased the number of children in congregate care. For Los Angeles, the goal of the waiver is not to create a whole new way to do business, but to further enhance and accelerate progress toward improving the desired outcomes of increased safety, reduced time to permanency, and decreased reliance on out-of-home care as the primary intervention.

The value of the waiver is in the flexibility it will offer in the use of Title IV-E funds. Project planners from Los Angeles believe this flexibility will improve the array of services and availability of individualized approaches, increase child safety without over-relying on out-of-home care, shorten the time needed to achieve permanency, and improve child and family well-being.

The impacts expected for Los Angeles include a continued decrease in the number of placements and the amount of time children spend in out-of-home care. They anticipate being able to lower social worker caseloads and increase the time workers spend with families and children. They believe they can work more closely with community partners and providers in planning the service delivery system and engage them in achieving shared outcomes. They will improve their ability to tailor service plans to individual child and family strengths and needs, and will be better able to ensure that the department and community partners focus on a permanent plan from the very first day a child is placed.

The services they hope to expand or develop include family preservation activities; better access for all family members to services regarding substance abuse, domestic violence, and mental health; wraparound services; and adoption stabilization and aftercare. They would like to ensure expansion of assessments and direct services for youth and families not covered by other funding streams, assistance to ensure appropriate and increased visitation for parents with their children, intensive work with all family members on reunification when appropriate, and expansion of aftercare services to support successful reunifications, adoptions, and guardianships.

Commissioner Ault introduced one of her staff, Ms. Linne Stout, a manager from California Department of Social Services (CDSS) in the Division of Children and Family Services. Ms. Stout provided further information on the Title IV-E waiver:

TITLE IV-E CHILD WELFARE WAIVER DEMONSTRATION CAPPED ALLOCATION PROJECT

- On March 31, 2006, the U.S. Department of Health and Human Services approved California's Title IV-E waiver. The Title IV-E Child Welfare Waiver Demonstration Project will allow up to 20 counties to participate in a five-year project focused on prevention and intervention strategies aimed at keeping children in their homes.
- The estimated implementation date is January 1, 2007. The term of the waiver is five years from the date of implementation. Counties will self-select subject to State approval. 46 counties have submitted a letter of interest.
- Each participating county will submit a detailed work plan describing specific strategies, procedures, and timelines for implementing the service components the county will operate under the waiver project.
- Probation costs claimed to IV-E are included in the capped allocation; therefore, both the Child Welfare and Probation Departments must participate in the development of the plan.
- Costs associated with training, licensing and SACWIS are excluded from the waiver.
- Participating counties will receive a capped allocation of IV-E funds to provide direct services to children regardless of their IV-E eligibility or placement status.
- The Title IV-E funding base will be the average actual expenditures from Federal Fiscal Years (FFY) 2003 – FFY 2005 with a two percent growth rate applied for each of the five years of the waiver project including a two percent growth rate for FFY 2006.
- Adoption assistance is not included in the flexible funding waiver, except as a measure to ensure overall cost neutrality to the title IV-E funding stream. Adoption assistance will remain an entitlement program during the waiver project, unless a waiver-lifetime cap is exceeded, after which title IV-E would not be available. This threshold will be based on FFY 2005, or the most recent 4 quarters prior to implementation whichever is higher, with an average of 15% growth rate over the 5 year project.
- The project evaluation will consist of three components: a process evaluation, an outcome evaluation, and a cost analysis. The State will contract with a third party to conduct the evaluation.
- A county forum for interested counties was held on May 16, 2006.
- State/County workgroups will be ongoing through the development and implementation of the waiver project.
- CDSS has set up an e-mail address to receive questions and informational requests related to the waiver. The address is IV-EWaiver.CAP@dss.ca.gov. CDSS staff will provide

responses and information by e-mail and/or telephone to any submitted inquiries. A Web page is also available for access to updated information for the Capped Allocation Project. The Web page may be accessed through the CDSS Division of Children and Families Services home page at www.childsworld.ca.gov.

Item 3 Commission Activities Update

Mr. Wu highlighted activities in which the commission and individual commissioners have been involved. The AOC has collected several editorial pieces written by commissioners. After the March meeting, Justice Moreno was invited to do a talk show in Los Angeles regarding foster care issues. He also spoke to the Juvenile Court Judges of California at their luncheon, informing them about the commission. At the Foster Care Month Kick-off in Sacramento, Mr. William C. Vickrey, Administrative Director of the Courts, was honored for his service on the Pew Commission and also for his role in helping start the California Blue Ribbon Commission on Children in Foster Care.

The commission is collaborating with the Assembly Select Committee in holding a hearing with testimony from youth on emancipation and transition issues in San Francisco. A luncheon sponsored by the Permanency for Youth Project was held, focusing attention on permanency for older children and youth.

The annual Court Improvement Project and Meeting of States and Tribes at the National Department of Health and Human Services Children's Bureau Meeting will be held in Washington, D.C. Commissioner Diane Nunn has been invited to be a panelist at the court improvement meeting, talking about what is going on with the state level judicial branch follow-up from the national judicial summit held last September.

Mr. Wu also mentioned another upcoming event on June 27, a forum in Sacramento, "Protecting Children and Promoting Permanent Families," sponsored by the Pew Commission and the North American Council on Adoptable Children.

Justice Moreno chaired the hearing at the June 5 Youth Summit at Occidental College. He and Judge Nash reported on the summit.

Item 4 Legislative Update

Ms. Jessica Gunderson, a representative from the office of Assembly member Bass, gave a legislative update. She summarized key legislative efforts on foster care reform currently under way. She provided a matrix of all bills in the comprehensive foster care package, as well as a breakdown of the proposed legislative budget allocation for child welfare and an update on the Assembly Select Committee activities and accomplishments. This legislative package reflects the consensus of numerous advocacy groups and the Select Committee. Committee members will carry various measures on foster care and will coauthor and support the bills as a package. One

objective of the committee is to have foster care become a priority of both the Democrat and Republican caucuses.

The committee has brought significant media attention to foster care issues including reports from *Prime Time*, Diane Sawyer on 20/20, *Nightline*, *Good Morning America*, and an article from Ms. Poblete of the *San Francisco Chronicle*.

In late summer or early fall, the committee will conduct a one-day summit conference in Sacramento, bringing hundreds of stakeholders that have been involved in the Select Committee to the Capitol to participate in summarizing this year's activities and recommendations and planning for next year.

Ms. Gunderson mentioned that Assembly member Bass is in close collaboration with soon-to-be Senator Darryl Steinberg, looking at the possibility of creating a joint committee on foster care. It would be jointly chaired by Senator Steinberg and Assembly Member Bass.

Item 5 Overview of AOC Dependency Improvement Projects

Judge Edwards and attorney Mara Bernstein described key public and private initiatives currently under way to affect change for the foster care system on state and national levels.

Judge Edwards discussed what's happening nationally and in California that will have an impact on the role for the commission, including federal legislative and federal executive branch initiatives, and the pending federal legislation, current key issues for the federal government, national foundations, and the impact of the Pew Commission on Children in Foster Care. Ms. Bernstein focused on the initiatives undertaken by the California Administrative Office of the Courts and specifically by the Center for Families, Children & the Courts. A matrix listing all AOC projects and AOC collaborations with local agencies was handed out.

Item 6 Meeting Announcement

Commissioner Rodriguez extended an invitation to the commission to attend the California Youth Connection Policy Conference on August 4–7, 2006 at the Hilton Hotel in Oakland. The youth will be focusing on developing recommendations around court/juvenile justice issues, placement issues, emancipation issues, and higher education. This is an opportunity to hear directly from youth regarding their concerns and ideas for improvement in the foster care system. At this event, foster youth from across California will be presenting their recommendations for statewide policy and practice-change in the foster care system.

A flyer was handed out for the June 27 Pew Commission and North American Council on Adoptable Children event in Sacramento.

Item 7 Subcommittee Meetings

There was a discussion clarifying the structure of the subcommittees. A representative from the California Department of Education has to be given final approval from the office of Superintendent of Public Instruction Jack O'Connell. The commission broke into its respective subcommittee groups.

Item 8 Announcements

The commission reconvened after the subcommittee meetings. Members viewed video news coverage from KTVU Channel 2 about the first commission meeting highlighting the importance and urgency of improving foster care system. Members also viewed excerpts from *ABC*'s week-long coverage of foster care, including a *Prime Time* story and a shorter piece from *Nightline* addressing issues relating to emancipation from the foster care system.

Item 9 Other Business

Justice Moreno thanked the commission members and AOC staff for their presentations. The meeting was adjourned at 5:30 p.m.

****Draft for approval by the California Blue Ribbon Commission on Children in Foster Care***